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NOTICE OF ALLOWANCE AND FEE(S) DUE

4955

7590

04/03/2008

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

PATEL, NITIN

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 04/03/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,074	07/10/2003	Niko Eiden	944-003.179	3593

TITLE OF INVENTION: MEDALLION DISPLAY WITH REPETITIVE MODE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	07/03/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

4955 7590 04/03/2008
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
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MONROE, LA 70646

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Niko Eiden

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TITLE OF INVENTION: MEDALLION DISPLAY WITH REPETITIVE MODE

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nonprovisional	NO	\$1440	\$300	\$0	\$1740	07/03/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, NITIN	2629	345-211000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATEL, NEVIN

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BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 937 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 937 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/618,074

Examiner

Nitin Patel

Applicant(s)

EIDEN ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/28/2007.
2. ☒ The allowed claim(s) is/are 1, 3-19, 21-26, 28-32, 34-37 now renumbered 1-33 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Nitin Patel/
Primary Examiner, Art Unit 2629

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew T. Hyman on 3/21/2008.

2. The application has been amended as follows:

a) Claim 1 has been replaced with following amended claim 1.

An apparatus comprising:

an image display responsive to input power, the image display being configured to provide at least one illuminated image by means of said image display;

a power source, responsive to a fade in signal and a fade-out signal, the power source being configured to provide a repetitive mode selection signal if a repetitive mode is selected and

timing controller responsive to the repetitive mode selection signal from the mode selector, the timing controller being configured to automatically provide the fade-in-signal indicative of increased power, and the fade-out signal indicative of decreased power, repeatedly, wherein said apparatus is functional in more than one mode, and

wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and

on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading.

- b) Claim 2 has been cancelled.
- c) Claim 19 has been replaced with following amended claim 19.

A method of operation of an apparatus, comprising:

- selecting a mode of operation,
- providing a repetitive mode selection signal if the repetitive mode is selected,
- providing a fade-in signal indicative of increased power, and a fade-out signal indicative of decreased power, repetitively,
- inputting power to an image display, and
- providing at least one illuminated image in response to the power,
- wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading.

- d) Claim 20 has been cancelled.
- e) Claim 22 has been replaced with following amended claim 22.

The method of claim 19, further comprising the step of utilizing environment light to at least partially illuminate the image, by equipping the apparatus with a liquid crystal display that is transfective.

- f) Claim 26 has been replaced with following amended claim 26.

An apparatus, comprising

selecting a mode of operation,

providing a repetitive mode selection signal if the repetitive mode is selected,

providing a fade-in signal indicative of increased power, and a fade-out signal indicative of decreased power, repetitively,

inputting power to an image display, and

providing at least one illuminated image in response to the power,

wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading.

- g) Claim 27 has been cancelled.

- h) Claim 29 has been replaced with following amended claim 29.

The apparatus of claim 26, further comprising means for utilizing environment light to at least partially illuminate the image by equipping the apparatus with a liquid crystal display that is reflective.

- i) Claim 32 has been replaced with following amended claim 32.

An apparatus comprising:

a button or switch configured to select a mode of operation,

a mode selector configured to provide a repetitive mode selection signal if the repetitive mode is selected,

a timing controller configured to provide a fade -in-signal indicative of increased power and fade-out signal indicative of decreased power, repetitively,

a power source configured to input power to an image display and an image display configured to provide at least one illuminated image in response to the power,

wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading.

- j) Claim 33 has been cancelled.

- k) Claim 36 has been added as a new claim 36.

An apparatus comprising;

an image display, responsive to input power, the image display being configured to provide at least one illuminated image by means of said image display;

a power source, responsive to fade-in-signal and a fade-out signal, the power source being configured to provide the input power to the image display;

mode selector, responsive to a selection that selects a mode of operation the mode selector being configured to provide a repetitive mode selection signal if a repetitive mode is selected; and

timing controller, responsive to the repetitive mode selection signal from the mode selector, the timing controller being configured to automatically provide the fade-in signal indicative of increased power and the fade-out signal indicative of decreased power, repeatedly,

wherein said apparatus is functional in more than one mode and

wherein the apparatus is a medallion configured to worn by a human being.

l) Claim 37 has been added as a new claim 37.

The apparatus of claim 36, wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fade in and later fades out if the environment is dark and an off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading.

REASON FOR ALLOWANCE

3. Claims 1, 3-19, 21-26, 28-32, 34-37 are allowed. Claims 2,20,27,33 have been cancelled.

4. The following is an examiner's statement of reason for allowance:

The prior art fails to teach or suggest an apparatus comprising:

an image display responsive to input power, the image display being configured to provide at least one illuminated image by means of said image display;

a power source, responsive to a fade in signal and a fade-out signal, the power source being configured to provide a repetitive mode selection signal if a repetitive mode is selected and

timing controller responsive to the repetitive mode selection signal from the mode selector, the timing controller being configured to automatically provide the fade-in-signal indicative of increased power, and the fade-out signal indicative of decreased power, repeatedly, wherein said apparatus is functional in more than one mode, and wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading as claimed in claim 1.

The prior art fails to teach or suggest a method of operation of an apparatus, comprising:

selecting a mode of operation,

providing a repetitive mode selection signal if the repetitive mode is selected,

providing a fade-in signal indicative of increased power, and a fade-out signal indicative of decreased power, repetitively,

inputting power to an image display, and

providing at least one illuminated image in response to the power,

wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading as claimed in claim 19.

The prior art fails to teach or suggest an apparatus, comprising

selecting a mode of operation,

providing a repetitive mode selection signal if the repetitive mode is selected,

providing a fade-in signal indicative of increased power, and a fade-out signal indicative of decreased power, repetitively,

inputting power to an image display, and

providing at least one illuminated image in response to the power,

wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and

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on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading as claimed in claim 26.

The prior art fails to teach or suggest an apparatus comprising:

a button or switch configured to select a mode of operation,

a mode selector configured to provide a repetitive mode selection signal if the repetitive mode is selected,

a timing controller configured to provide a fade -in-signal indicative of increased power and fade-out signal indicative of decreased power, repetitively,

a power source configured to input power to an image display and an image display configured to provide at least one illuminated image in response to the power,

wherein the more than one mode includes the repetitive mode in which the at least one illuminated image fades in and later fades out if the environment is dark and on off mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the image is not visible if the apparatus is in a dark environment and a fully on mode in which the at least one illuminated image is fully visible without fading as claimed in claim 32.

The prior art fails to teach or suggest an apparatus comprising;

an image display, responsive to input power, the image display being configured to provide at least one illuminated image by means of said image display;

a power source, responsive to fade-in-signal and a fade-out signal, the power source being configured to provide the input power to the image display;

_____ mode selector, responsive to a selection that selects a mode of operation the mode selector being configured to provide a repetitive mode selection signal if a repetitive mode is selected; and

_____ timing controller, responsive to the repetitive mode selection signal from the mode selector, the timing controller being configured to automatically provide the fade-in signal indicative of increased power and the fade-out signal indicative of decreased power, repeatedly,

wherein said apparatus is functional in more than one mode and

wherein the apparatus is a medallion configured to worn by a human being as claimed in claim 36.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 571-272-7677. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nitin Patel/
Primary Examiner, Art Unit 2629

Nitin Patel
Primary Examiner
Art Unit 2629

